

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
SANTORO, *et al.*,
Defendants.

No. 1:20-cv-01038-DAD-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION

(Doc. No. 28)

Plaintiff Guillermo Trujillo Cruz is a state prisoner who proceeded *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 21, 2020, the undersigned dismissed this action, without prejudice, due to plaintiff's failure to pay the filing fee and failure to obey a court order. (Doc. No. 15.) Judgment was entered accordingly the same date. (Doc. No. 16.) Plaintiff appealed to the Ninth Circuit Court of Appeals on December 15, 2020, (Doc. No. 17), and the appeal was dismissed on February 16, 2021, (Doc. No. 20). The Ninth Circuit issued its mandate on March 11, 2021. (Doc. No. 23.)

Currently before the court is plaintiff's motion for rehearing under Federal Rule of Civil Procedure 60(b), filed July 19, 2021. (Doc. No. 28.) The court construes the filing as a motion for reconsideration.

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1 Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the
2 district court. Rule 60(b) permits a district court to relieve a party from a final order or judgment
3 on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered
4 evidence . . .; (3) fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has
5 been satisfied . . . or (6) any other reason justifying relief from the operation of the judgment.”
6 Fed. R. Civ. P. 60(b). Additionally, pursuant to this court’s Local Rules, when filing a motion for
7 reconsideration of an order, a party must show “what new or different facts or circumstances are
8 claimed to exist which did not exist or were not shown upon such prior motion, or what other
9 grounds exist for the motion.” Local Rule 230(j).

10 Plaintiff’s motion challenges the court’s finding that he did not meet the imminent danger
11 exception to the three-strikes bar. (Doc. No. 28.) However, plaintiff has previously submitted
12 these arguments, and the court has reviewed and rejected them. (*See* Doc. No. 13.) Having
13 considered plaintiff’s moving papers, the court does not find that they support relief under Rule
14 60(b). The court does not find that plaintiff presented any new or different facts, circumstances,
15 or evidence such that reconsideration of the prior order and judgment would be appropriate.

16 Accordingly, plaintiff’s motion for reconsideration, (Doc. No. 28), is denied. This action
17 remains closed.

18 IT IS SO ORDERED.

19 Dated: July 31, 2021

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UNITED STATES DISTRICT JUDGE